

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Criminal No. 15-153(1) (DSD/TNL)

United States of America,

Plaintiff,

v.

ORDER

Zibo Li,

Defendant.

This matter is before the court upon the motion for judgment of acquittal by defendant Zibo Li. Li made the motion at trial after the government closed its evidence. The court reserved decision on the motion until after the jury returned its verdict. The jury found Li guilty of one count of conspiracy to commit an offense and two counts of fraud and related activity in connection with access devices. The court now addresses the motion.

Upon a defendant's motion, the court "must enter a judgment of acquittal of any offense for which the evidence is insufficient to sustain a conviction." Fed. R. Crim. P. 29(a). When considering a motion for judgment of acquittal based on sufficiency of the evidence, the court views the evidence "in the light most favorable to the verdict, giving it the benefit of all reasonable inferences." United States v. Cacioppo, 460 F.3d 1012, 1021 (8th Cir. 2006) (citation and internal quotation marks omitted). The court will grant the motion "only if there is no interpretation of the evidence that would allow a reasonable jury to find the

defendant guilty beyond a reasonable doubt." Id. (citation and internal quotation marks omitted).

In the present case, the government offered evidence that was more than sufficient to sustain a conviction. Therefore, denial is warranted. Accordingly, **IT IS HEREBY ORDERED** that the motion for judgment of acquittal is denied.

Dated: June 16, 2016.

s/David S. Doty
David S. Doty, Judge
United States District Court